



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

MAY 16 2013

IN REPLY REFER TO

Tribal Operations

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MAY 17 2013

Certified Mail- Return Receipt Requested
No. 7001 2510 0009 4494 1142

Regional Solicitor
Pacific Southwest Region

Morris Reid
P.O. Box 850
Coarsegold, CA 93614

Dear Mr. Reid:

The purpose of this correspondence is to provide notice that the Contract proposal and Tribal Resolution No. 2013-03, submitted April 5, 2013, via facsimile, requesting a new three-year P.L. 93-638 contract for fiscal years 2013, 2014, 2015, is being returned without action by the Bureau of Indian Affairs, Central California Agency. By order dated April 2, 2013, concerning litigation involving another request to contract, the Interior Board of Indian Appeals granted the Bureau of Indian Affairs jurisdiction to consider other requests to contract on behalf of the Picayune Rancheria of the Chukchansi Indians (Tribe) for FY 13. *Picayune Rancheria of the Chukchansi Indians; and Morris Reid, Dora Jones, Dixie Jackson, and Harold Hammond v. Pacific Regional Director*, Docket number IBIA 13-045.

Submission of your request to contract required that we determine whether you are authorized to represent the Tribe for government-to-government purposes, and we have determined that we do not recognize you to represent the governing body authorized to submit such a proposal on behalf of the Tribe. We have made a determination regarding the recognized governing body of the Tribe based on the results of the last tribal election held on December 1, 2012, and have determined we can recognize the results of that tribal election because it was held consistent with the Tribe's governing documents, specifically, the Election Ordinance.

Tribal records submitted to the Bureau of Indian Affairs, Central California Agency, show that on September 24, 2012, the Election Committee noticed the membership that an election was scheduled for December 1, 2012, the first Saturday of December, in accordance with Article IV, Section 1. of the Election Ordinance. Consistent with the Election Ordinance, the notice provided information regarding the ballot mailing date, manner of voting, Candidate night, polling day and timeframe. On December 1, 2012, the Tribe held their annual Tribal Council election in accordance with the Tribe's Election Ordinance entitled, "The Picayune Rancheria of the Chukchansi Indians Election Ordinance" adopted September 20, 2012, and the Tribal

Constitution of the Picayune Reservation, ratified by the qualified voters of the Tribe on October 29, 1988.

The record reflects the Tribal election conducted on December 1, 2012, was conducted consistent with the Election Ordinance and Tribal Constitution, and was the most recent successful election of the Picayune Rancheria. Consequently, the Bureau of Indian Affairs recognizes the individuals elected into office at the December 1, 2012, tribal election as the governing body authorized to conduct government-to-government business with the Bureau of Indian Affairs:

Nancy Ayala, Chairperson
Reggie Lewis, Vice-Chairperson
Tracy Brechbuehl, Secretary
Karen Wynn, Treasurer
Chance Alberta, Member-at-Large
Charles Sargosa, Member-at-Large
Carl Buzz Bushman, Member-at-large

Therefore, we are returning the contract proposal as we are unable to process your request.

This decision may be appealed to the Director, Pacific Region, Bureau of Indian Affairs, 2800 Cottage Way, W-2820, Sacramento, California 95825. In accordance with the regulations in 25 CFR, Part 2 (copy enclosed), your notice of appeal must be filed in this office within 30 days of the date you receive this decision. The date of filing your notice is the date it is postmarked or the date it is personally delivered to this office. Your notice of appeal must include your name, address and telephone number. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. The notice and the envelope in which it is mailed should be clearly labeled "Notice of Appeal." Your notice of appeal must list the names and addresses of the interested parties known to you and certify that you have sent them copies of the notice. You must also send a copy of your notice of appeal to the Regional Director, at the address given above.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Should you have any questions, please do not hesitate to contact Carol Rogers-Davis, Tribal Operations Officer at (916) 930-3794.

Sincerely,



Troy Burdick
Superintendent

cc: Steven Bloxham, Esq., James Qaundah, Esq., Attorneys for Appellants, Frederick
Peebles & Morgan, 2020 L Street, Ste. 250, Sacramento, CA 95811
Richard Verri, Rosette, LLP, 565 W. Chandler Blvd., Ste. 212, Chandler, AZ 85225
Lester Marston, Rapport & Marston, 405 W. Perkins St., Ukiah, CA 95482
The Ayala Group, 46575 Road 417, Coarsegold, CA 93614
The Lewis Group, 2491 Alluvail Ave., Ste. 470, 480, Clovis, CA 93611
Interior Board of Indian Appeals, Office of Hearing and Appeals, 801 North Quincy, Ste.
300, Arlington, VA 22203
Chairwoman Tracie Stevens, National Indian Gaming Commission, Attention: Maria
Getoff, Senior Attorney, 1441 L Street. NW, Ste. 9100, Washington, DC 20005
Assistant Regional Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of
the Interior, 2800 Cottage Way, RoomE-1712, Sacramento, CA 95825
Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way,
Sacramento, CA 95825
Awarding Official, Bureau of Indian Affairs, Central California Agency, 650 Capitol
Mall, St. 8-500, Sacramento, CA 95814

1 **CERTIFICATE OF SERVICE**

2 RE: Picayune Rancheria of the Chukchansi Indians; and Morris Reid, Dora Jones, Dixie Jackson, and
3 Harold Hammond v. Pacific Regional Director, Bureau of Indian Affairs; IBIA 12-045

4 I, the undersigned, declare that:

5 I am a citizen of the United States, over the age of eighteen, and not a part of this
6 litigation. On May 17, 2013, I served the

7 **"NOTICE OF APPEARANCE"**

8 **and**

9 **"ANSWER AND RESPONSE TO ORDER SOLICITING BRIEFING ON MOOTNESS"**

10 by placing a true copy enclosed in a sealed envelope via Federal Express at Sacramento, California,
11 addressed as follows:

12 U.S. Department of the Interior
13 Office of Hearings & Appeals
14 Interior Board of Indian Appeals
15 801 N. Quincy Street, suite 300
Arlington, Virginia 22203
Phone: 703-235-3815

16 Steven J. Bloxham, Esq.
17 James Qaundah, Esq.
18 For Appellant Picayune Rancheria
of the Chukchansi Indians
19 Frederick Peebles & Morgan LLP
20 2020 L Street, Suite 250
Sacramento, California 95811
Phone: 916-441-2700

21 Robert Rosette, Esq.
22 for Lewis Faction
Rosette, LLP
23 565 W. Chandler Blvd., Suite 212
Chandler, Arizona 85225
24 Phone: 480-889-8990

25 Lewis Faction
26 46575 Road 417
Coarsegold, California 93614
27 Phone: 559-683-6633 x 225

28 Dennis M. Cota, Esq.
Cota Cole LLP
2261 Lava Ridge Court
Roseville, California 95661
Phone: 916-780-9009

1
2
3 Chairwoman Tracie Stevens
4 ATTN: Maria Getoff, Senior Attorney
5 National Indian Gaming Commission
6 1441 L Street NW, Suite 9100
7 Washington, D.C. 20005
8 Phone: 202-632-7003

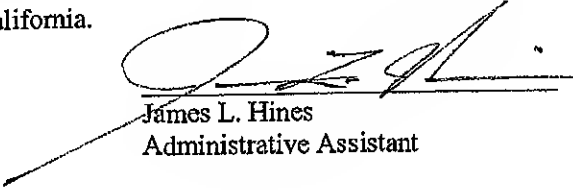
9 by placing a true copy enclosed in a sealed envelope via U.S. Postal Service 1st Class mail at Sacramento,

10 California, addressed as follows:

11 Central California Agency Superintendent
12 Bureau of Indian Affairs
13 650 Capitol Mall, Suite 8-500
14 Sacramento, California 95814-4710

15 Pacific Regional Director
16 Bureau of Indian Affairs
17 2800 Cottage Way
18 Sacramento, California 95825

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on the 17th
20 day of May 2013, at Sacramento, California.

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James L. Hines
Administrative Assistant